

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Robert Henderson,**

**Plaintiff,**

**v.**

**Pappas Trucking LLC AG Container,**

**Defendant.**

**Case No. 2:21-cv-2088**

**Judge Michael H. Watson**

**Magistrate Judge Deavers**


**OPINION AND ORDER**

Magistrate Judge Deavers issued a Report and Recommendation ("R&R") recommending the Court deny Plaintiff's motion for leave to proceed *in forma pauperis*. R&R, ECF No. 3. Plaintiff timely objected. Obj., ECF No. 4.

On *de novo* review, Plaintiff's objection is **OVERRULED**, the R&R is **ADOPTED**, and Plaintiff's motion for leave to proceed *in forma pauperis*, ECF No. 1, is **DENIED**. As Magistrate Judge Deavers noted, the financial statement, sworn under penalty of perjury, submitted in support of Plaintiff's motion showed that Plaintiff earned almost twice the poverty level for a single person, had \$400 cash available, and that his monthly income exceeded his identified expenses. R&R 2, ECF No. 3; Mot., ECF No. 1. On objection, Plaintiff submits a corrected financial statement, Financial Statement, ECF No. 4-1, but it was not submitted under penalty of perjury. Plaintiff shall pay the entire \$402 filing fee within **FOURTEEN DAYS**, or the Court will dismiss his lawsuit **WITHOUT PREJUDICE**

and without further notice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**